

**DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS**

**COMPLETE STATEMENT
OF**

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BEFORE THE

**WATER AND POWER SUBCOMMITTEE
OF THE
COMMITTEE ON ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE**

ON

**WATER RESOURCE MANAGEMENT ISSUES
ON THE MISSOURI RIVER**

**JULY 10, 2002
WASHINGTON, DC**

Mr. Chairman and Members of the Subcommittee, I am Brigadier General David A. Fastabend, Commander of the Northwestern Division of the U.S. Army Corps of Engineers. It is my pleasure to be here today to testify on water resource management issues on the Missouri River.

The Army Corps of Engineers operates a system of six dams on the Mainstem of the Missouri River for the Congressionally authorized purposes of flood control, hydropower, water supply, water quality, irrigation, navigation, recreation, and fish and wildlife. The Missouri River Master Water Control Manual (Master Manual) sets forth the guidelines for operation of the system.

There are a myriad of complex operational and resource management issues surrounding revision of the manual. Upstream interests want high, stable lake levels to address recreation, irrigation, and hydropower needs. Environmental interests seek a hydrograph that more closely mimics the natural hydrograph of the Missouri River. Upstream and downstream interests below the dams support different flow regimes for flood control, water supply, water quality, recreation, and commercial navigation on the Missouri and Mississippi Rivers.

During the period of 1987-1992, the Missouri River basin experienced a moderate to severe drought. As a result of the drought, the Missouri River Mainstem reservoirs were drawn down significantly to meet authorized purposes. There were numerous lawsuits and inquiries concerning the operation of the reservoirs. In November 1989 the Corps voluntarily initiated a Review and Update of the Master Manual to address concerns over the adequacy of the existing water control plan and determine operating criteria that might better serve the contemporary needs of the Missouri River basin. A Draft Environmental Impact Statement (DEIS) which included a Preferred Alternative (PA) was published in 1994. There was no agreement in the basin on this PA. In an effort to foster basin consensus regarding a flow management plan, a preliminary revised DEIS, which identified eight representative alternatives, was published in 1998.

Two bird species, the threatened piping plover and the endangered interior least tern, were listed in 1985. The pallid sturgeon was added to the list of endangered species in 1990. Although the Corps and the United States Fish and Wildlife Service (Service) had consulted formally under Section 7 of the Endangered Species Act (ESA) in 1990 on the effects of Mainstem System operations on terns and plovers, and had consulted informally during the 1990's on impacts to pallid sturgeon of various project operations, in April 2000 the Corps requested formal consultation on the current operation of the Mainstem System, the Missouri River Bank Stabilization and Navigation Project (Sioux City, Iowa to St. Louis, Missouri), and the current operation of the Kansas River Reservoir System with regard to effects to terns, plovers, sturgeon, and the bald eagle. A Final Biological Opinion (BiOp), received from the Service on November 30, 2000, concluded that current operations jeopardize the continued existence of the piping plover, interior least tern and pallid sturgeon. As a component of the Reasonable and Prudent Alternative (RPA) to jeopardy, the Service indicated in their Final BiOp that higher spring releases and lower summer releases from Gavins Point Dam, the lowest dam on the system are necessary to preclude jeopardy of the three protected species.

On August 31, 2001, the Corps published a revised Draft Environmental Impact Statement (RDEIS) on modification of the Master Manual. The RDEIS identifies the impacts associated with six alternative operational plans. In addition to the current Water Control Plan (CWCP), the Corps analyzed a Modified Conservation Plan (MCP). The MCP includes more stringent drought conservation measures and all of the flow-related elements of the Reasonable and Prudent Alternative (RPA) with the exception of modified releases from Gavins Point Dam. The RDEIS also analyzed four alternatives that added various Gavins Point Dam release changes to the MCP. These latter four alternatives addressed the full range of changes in releases from Gavins Point Dam that the Service included in the RPA in its November 2000 BiOp and are called the GP alternatives. The release of the RDEIS marked the beginning of a six-month public comment period. Tribal and public workshops and hearings were held throughout the Missouri River basin and at locations in the Mississippi River basin. Oral, written, and electronic comments were taken until February 28, 2002. Over 55,000 comments were received.

The Corps has reviewed all of the comments received, all information developed in the course of the 12-year effort on possible revisions to the Master Manual, including the BiOp and the recent National Academy of Sciences Report for the Missouri River published in January 2002. We are working to achieve an outcome that meets the contemporary needs of the Basin and the Nation, serves Congressionally-authorized project purposes, complies with

environmental laws including the ESA, and fulfills the Corps responsibilities to Federally-recognized Tribes.

The Corps and the Service now have entered into informal ESA consultation and are meeting regularly. During this informal consultation process, the Corps and the Service will work to assess available scientific and technical information and explore a range of possibilities regarding operation of the system.

The Corps will use the results of the consultative effort as the Final Environmental Impact Statement (FEIS) is completed. The Corps will complete a FEIS that will include a description of the environmental and economic impacts of a preferred alternative and will offer a 30-day review and comment period on that document.

The FEIS will address the Tribal and public comments received in response to the RDEIS and present the new PA and its impacts. Following the FEIS, the Corps will prepare a Record of Decision, revise the Master Manual if appropriate, develop an Annual Operating Plan, and implement that plan.

Mr. Chairman, this concludes my statement. I would be happy to answer any questions you or the other Subcommittee members may have.